

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

664I0708

HOUSE BILL NO. 1258

Introduced by: Representatives Cutler, Craddock, Gillespie, O'Brien, and Williamson and
Senators Olson (Ed), Dempster, Duxbury, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding attorney fees and
2 costs in Public Utilities Commission proceeding and appeals.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-13-26 be amended to read as follows:

5 49-13-26. The plaintiff in a complaint to the commission pursuant to § 49-13-1 or 49-13-1.1
6 or a suit pursuant to § 49-13-24 is not liable for the costs ~~at any stage~~ of the proceedings ~~unless~~
7 or the costs that accrue on appeal to the circuit court or the Supreme Court, ~~and~~. However, if
8 the plaintiff ~~eventually~~ prevails before the commission or the court or Supreme Court on appeal,
9 ~~he~~ the plaintiff shall be allowed reasonable attorney fees to be taxed and collected by the
10 commission, the court, or the Supreme Court as a part of the costs of the suit.

